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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,335	11/27/2001	Antonio Verdini	29964/ 37956	9651

4743 7590 11/15/2004

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EXAMINER

LUKTON, DAVID

ART UNIT	PAPER NUMBER
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1653

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/995,335

EXAMINER
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ART UNIT	PAPER NUMBER
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20041101

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Please see the attached communication regarding applicants' response (filed 10/1/04) to the restriction requirement (mailed 6/18/04).



Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 571-272-0952. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

Pursuant to the directives of the response filed 10/1/04, claim 2 has been cancelled, and claim 1 amended. Claims 1 and 3-27 remain pending.

Applicants' election of Group 1 is acknowledged. However, applicants have failed to elect species, as required of the previous Office action. As indicated previously, the species to be elected are each of the following:

(a) a specific polypeptide which is to be folded, such as one of the following:

Cys<sup>10</sup>, Cys<sup>11</sup>, Cys<sup>34</sup>, Cys<sup>50</sup>(S-t-Bu)-hu-TARC

Cys<sup>11</sup>, Cys<sup>34</sup>, Cys<sup>50</sup>(S-t-Bu)-hu-TARC

Cys<sup>10</sup>, Cys<sup>11</sup>, Cys<sup>26</sup>, Cys<sup>34</sup>, Cys<sup>50</sup>, Cys<sup>68</sup>(S-t-Bu)-hu-I-309

(b) a specific "chaotropic salt" which must be present during the folding;

(c) a specific pH at which the folding is to take place (e.g., a pH of 8.0);

(d) a specific reducing agent (e.g., cysteine) that is present in the folding buffer.

Thus, election of a total of four different species is required.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a generic claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP 809.02(a).

Should applicant traverse on the ground that the species are not patentable distinct, applicant should submit evidence or identify

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such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. §103 of the other invention.


The time for response (one month) is reset pursuant to this Office action. However, failure to elect species in response to this Office action will result in abandonment of the application.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 571-272-0952. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber, can be reached at 571-272-0925. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

  
DAVID LUKTON  
PATENT EXAMINER  
GROUP 1600